

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	CASE NO. 4:15CR000354 SNLJ
v.)	
)	
STEVEN BLAKENEY,)	
)	
Defendant.)	
)	

GOVERNMENT’S PROPOSED VOIR DIRE QUESTIONS

COMES NOW the United States of America, by and through its attorneys, Richard G. Callahan, United States Attorney for the Eastern District of Missouri, and Jennifer A. Winfield, Assistant United States Attorney for said District, and respectfully submits the following questions for the Court to include in its Voir Dire of the panel of prospective jurors:

KNOWLEDGE OF PARTICIPANTS

1. The Government is represented in name by the United States Attorney for the Eastern District of Missouri, Richard G. Callahan, in all cases filed in this District. In Court, the Government will actually be represented by Reginald Harris and Jennifer Winfield, Assistant United States Attorneys. Does anyone know Mr. Callahan, Mr. Harris or Ms. Winfield, or anyone now or in the past employed in the United States Attorney’s Office? The case agent in this investigation is Federal Bureau of Investigation (“FBI”) Special Agent Darren Boehlje. Does anyone know Mr. Boehlje or anyone with the FBI?

2. The defendant in this case is Steven Blakeney. The attorney for Steven Blakeney is Clinton Wright. Do any of you believe that you know the defendant or any of his relatives? Do any of you know the defense lawyer, or any of his associates or family members, or have any of

his associates ever represented or opposed you, any members of your family or any of your friends?

3. Do you know or recognize the names of the following individuals who may testify or be referred to during the course of the trial? (List Potential Witness List for both sides)

4. Please take a moment to look around the Courtroom, do you know anyone sitting on the jury panel with you today?

NATURE OF CHARGES

Steven Blakeney is charged in Counts I, II and III of the indictment. The counts in the indictment involved in the trial read as follows:

Count One: Conspiracy Against Rights in violation of Title 18 U.S.C. § 241;

Count Two: Deprivation of Rights Under Color of Law in violation of Title 18 U.S.C. §§ 242 and 2, and

Count Three: Falsification of Records in violation of Title 18 U.S.C. §§ 1519 and 2.

5. Having heard the charges in the indictment, is there anything about the nature of the charges that might affect your ability to be fair and impartial in this case?

6. At the time of the acts alleged in the Indictment, the defendant was working as a police officer with the Pine Lawn Police Department, also referred to as Pine Lawn. The alleged victim in this case—N.F—was placed under arrest after the alleged acts.

a) Do you believe that people under arrest still maintain certain protections under the Constitution?

b) If the United States proves its case against the defendant beyond a reasonable doubt, will you hesitate to return a verdict of guilty because the defendant was a police officer and the alleged victim was under arrest?

c) Would the fact that a witness was under arrest lead you to give either greater or lesser weight to her testimony?

d) Do you believe there are any circumstances under which police officers do not have to obey the law like everyone else? If so, describe those circumstances.

7. Do any of you feel that the federal government should not be involved in prosecuting state or local law enforcement officers, in cases involving false arrests?

KNOWLEDGE OF THE CASE

8. Do you know anything about this case other than what you have heard about in open court? If so, please explain. If so, is there anything about that coverage that will prevent you from being fair or impartial in this case?

9. Have you, a loved one, or anyone you know ever been an inmate at the Pine Lawn Jail? If so, were you or they ever abused or mistreated? Please explain.

10. Have you heard or read anything about this case in the newspaper, on television or radio, or from any other media source?

11. Have you discussed any aspect of this case with anyone who claimed to have some knowledge of what actually occurred or to have heard something about the case? With whom and under what circumstances?

12. Have you heard or read anything about the Pine Lawn Police Department? If so, what have you heard or read? Would anything you have heard or read influence your decision-making as a juror?

ROLE AND EXPERIENCE OF A JUROR

13. As jurors you will be the sole judges of the facts and it will be your duty to determine the facts from the evidence presented at trial and the reasonable inference arising from the evidence. Punishment, probation or parole should never be considered by the jury in any way in arriving at an impartial verdict as to the guilt or innocence of the accused. Do any of you think you would have any difficulty reaching a verdict on the evidence and reasonable inferences from the evidence without regard to any possible punishment, probation, or parole upon conviction?

14. Has anyone ever served as a juror before? If so:

- a. What type of case was it?
- b. State or federal court?
- c. Were you the foreman?
- d. Was the jury on which you served able to reach a verdict?

15. Has anyone ever been a party to a lawsuit, not counting a divorce, adoption or other family law matter?

16. Has anyone on the panel visited anyone in a penal facility, such as a jail, prison or workhouse, during the last ten (10) years?

[If anyone responds affirmatively, then ask the following questions:]

- a. What was your relationship to the person you visited?
- b. Why was the individual incarcerated?
- c. Do you feel that the individual's incarceration was fair or improper and, if so, why?

17. Were you, any member of your family or any friend, ever a witness in a criminal case? If yes, what was the nature of case and for which party did you appear as a witness?

LAW ENFORCEMENT/LEGAL BACKGROUND

18. Has any member of the panel, or anyone close to them, such as a friend, neighbor or relative been charged with or convicted of a crime?

[If anyone responds affirmatively, then ask the following questions:]

- a. Panel member arrested, charged, or convicted?
 - i. What was the nature of the offense?
 - ii. When did this event occur?
 - iii. Do you feel that you (or others) were treated fairly?
 - iv. Is there anything about the incident that would affect your ability to be fair and impartial in this case?
- b. Friend, neighbor or relative arrested, charged or convicted?
 - i. What is your relationship to this individual?
 - ii. What was the nature of the offense?
 - iii. When did this event occur?
 - iv. Do you feel that this individual was treated fairly?
 - v. Is there anything about the incident that would affect your ability to be fair and impartial in this case?

19. Has any member of the panel had any legal training or worked in a law-related occupation?

20. Does anyone on the panel have a friend or relative who works in law enforcement or in the legal profession such as a police department, a sheriff's office, the state police, a federal law enforcement agency, a jail, prison or other custodial facility, the military police, a private security company, a prosecutor's office or a probation department?

If so:

- a. What type of law enforcement or legal position do you or does this person hold?
- b. What is your relationship to this individual?
- c. Is there anything about what you have heard about the work of this family member or close friend that would make it difficult for you to be fair either to the government or the defendant in this case?

21. Have you or has a relative or close friend ever had an experience with law a law enforcement officer that has caused you to have a strong feeling for or against law enforcement officials?

22. Do you hold any religious, philosophical, moral or other beliefs that would make it difficult for you to judge the conduct of another person?

WITNESS TESTIMONY

23. There may be testimony in this case from law enforcement officers. If so, will you judge the testimony of a law enforcement officer by the same standards you would judge any other witness? No more, no less? Does anyone on the panel feel that a law enforcement officer's testimony is more or less trustworthy than the testimony of another witness?

24. Has any member of the panel had a particularly negative experience with a law enforcement officer that might make it difficult for you to evaluate fairly and impartially the evidence and render a fair verdict based on the evidence?

25. In this case there will be testimonial evidence presented to you—that is, the words that are spoken from the witness stand. Do you understand that the law does not make a distinction between testimonial evidence and physical evidence?

26. If one witness were to testify to each of the elements of the offense, and you believe that witness beyond a reasonable doubt as to each of those elements, the law requires you to find the defendant guilty. Is there anyone who would not or could not find the defendant guilty based upon the testimony of a single witness provided that you believe that witness beyond a reasonable doubt as to each of the elements in the offense?

BURDEN OF PROOF

27. Does everyone understand that a defendant is presumed innocent until proven guilty by the Government beyond a reasonable doubt?

28. Is there any member of the panel unable to sit as a juror due to moral or religious beliefs?

29. Is there any member of the panel who feels for any reason, including moral or religious beliefs that they cannot sit in judgment of their fellow man or would be unable to follow the laws as given by the Court?

30. Does anyone on the panel feel that the Government should be held to a higher or stricter burden of proof, such as proof beyond all possible doubt?

INSTRUCTIONS BY THE COURT

31. Is there any member of the panel that is not able, for whatever reason, to follow the Court's instructions to you in this case? Even if you disagree with the instructions, will you be able to follow them?

32. Do all members of the panel understand that punishment in this case is to be imposed by the Court only, that the issue of punishment is not to be considered by you as jurors during the course of your deliberations?

33. Does any member of the panel feel that there is anything that would hinder you in being a fair and impartial juror?

34. Is there anything else that has not been asked that would influence your ability to honestly evaluate the evidence in this case and to be fair to either the government or defendant?

Respectfully submitted,

RICHARD G. CALLAHAN
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CERTIFICATE OF SERVICE

I hereby certify that on January 13, 2016, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon all counsel of record.

/s/ Reginald Harris
REGINALD HARRIS, #48939MO
Assistant United States Attorney